Waltham Police Department

Non-Lethal / Less-Lethal Force
Chapter 1A

General Order #: GO-01
Effective Date: 08/28/13; 01/19/201708/28/13;
01/19/2017;6/2019;6/2020 Accred Standard #'s: 1.3.4,
1.3.9-1.3.11, 46.2.2, 46.2.3

PURPOSE:

The purpose of this policy is to provide members of the Waltham Police Department with guidelines in the use of the approved non-lethal and less-lethal weapon systems.

POLICY

It is the policy of the Waltham Police Department that the use of non-lethal or less-lethal weapons on any subject, must be in compliance with the following protocol, as well as, the Waltham Police Departments Use of Force Policy (Chapter 1).

DEFINITIONS:

PEPPER SPRAY: Liquid spray whose main component is derived from natural pepper extracts applied using a spray (stream type configuration).

BATON: An expandable positive locking baton.

SUPER SOCK ROUND: A flexible projectile referred to as a "bean bag" round, fired from a 12 gauge shotgun specifically assigned to less lethal use only.

NON-LETHAL FORCE: Force that is neither likely nor intended to cause serious bodily injury or death. This includes but is not limited to the use of approved defensive physical tactics, O.C./pepper spray, the K-9, and the authorized batons.

LESS-LETHAL FORCE: Force which is likely to have less potential for causing death or serious bodily injury than the use of deadly force. This includes but is not limited to the use of approved delivery systems and respective munitions.

SERIOUS BODILY INJURY: A serious bodily injury is described as an injury that would create a substantial risk of death, cause serious permanent disfigurement, require the subject to be admitted into a hospital, and/or result in extended loss or impairment of the function of any bodily member or organ.

DEADLY FORCE: Is that degree of force likely to result in death or serious bodily injury. This includes but is not limited to the use of department-approved firearms.

NON-LETHAL WEAPONS – GENERAL CONSIDERATIONS

The Waltham Police Department in accordance with Massachusetts Police Training Committee's Use of Force curriculum has incorporated several non-lethal weapons for use within the department's use of force model.

1. **TRAINING AND QUALIFICATIONS:** Training shall consist of a department approved training and qualifications program in the use of O.C./pepper spray and the Monadnock MX24 Expandable Baton and Monadnock autolock 22" or 26" models. Officers trained in the use of these weapons will be held accountable for proficiency as well as compliance with department policy in the use of such weapons. The Training Unit will keep proficiency records **[1.3.10a]**

2. **APPROVED NON-DEADLY WEAPONS:**

   A. *Weapon Type* – Sabre Red Pepper Spray, 1.33% Major Capsaicinoids, 10% Oleoresin Capsicum, 2,000,000SHU in a Stream Configuration.

   B. *Weapon Type* – Monadnock MX24 Expandable Baton and the Monadnock Autolock 22' or 26" models with or without Hindi Cap.**[1.3.9a,b]**

3. **DEPLOYMENT OF NON-LETHAL WEAPONS:** Officers will deploy designated non-lethal weapons systems as needed in accordance with department training and use of force policies.

LESS-LETHAL WEAPONS – GENERAL CONSIDERATIONS [46.2.2]

The Waltham Police Department has adopted a less-lethal force philosophy to assist in the de-escalation of potentially violent situations. **The less-lethal force philosophy shall not preclude the use of deadly force.**

1. **TRAINING AND QUALIFICATIONS: [46.2.2]** Training shall consist of a department approved training and qualification program in the use of the approved 12 gauge shotgun. Both systems will be designated solely for the use of their respective and specified less-lethal munitions. Weapon system operators shall be trained and qualified regularly. accountable for proficiency, as well as, compliance with department policy in the use of such weapons **[1.3.10a], [1.3.11]**. The Firearms Training Unit will be responsible for keep proficiency records.

2. APPROVED WEAPONS AND MUNITIONS: [46.2.3]

Weapon Type – Mossberg 590-A1/12 Gauge Shotgun, smooth bore barrel, rifle sights, and combat sling. Each Less-Lethal shotgun shall be clearly and permanently marked.

Munitions Type – Combined tactical systems Super Sock round. Model 2581 flexible projectile round is the only authorized round to be carried and used in the less-lethal shotgun. No lethal munitions, slug, pellet, shot, frangible, ECT can be carried, used, or fired from a less-lethal weapon system. **[1.3.9a,b]**

3. DEPLOYMENT OF LESS-LETHAL SYSTEMS AND MUNITIONS:

A. *Less-Lethal Shotgun* – Less-Lethal shotguns will be available for deployment at the station. These weapons will be stored in a designated weapons locker in the Operations area along with the less lethal munitions for these weapons. Authorized users may utilize the sign out log to sign these weapons in and out at the beginning and end of each shift. Only an *authorized* operator will load the weapons at the time of deployment. These less lethal shotguns, while deployed in the field, shall be secured in a cruiser equipped with a locking shotgun rack. The weapons will be kept in the transport condition; ie: loaded with the chamber empty and, slide closed, and the trigger safety activated.
Ten rounds of "Super Sock" munitions will be assigned to and kept with each weapon. .

4. AUTHORIZATION AND USE OF NON–LETHAL/LESS-LETHAL WEAPONS:

A. Only officers who have completed the department training and qualification programs shall be authorized to utilize any non-lethal/less-lethal force options. **[1.3.4]** A list of all authorized less-lethal weapons system operators will be made available to the patrol supervisor, OIC, and shift commanders.

B. If the possibility of the use of less-lethal force is determined to be an option by the patrol supervisor, O.I.C., or on scene Commander. The station will be notified, and a less-lethal "operator" will be dispatched to the scene.

C. The patrol supervisor shall designate an on-scene officer to provide lethal-force coverage and, if deemed appropriate shall designate two or more officers for suspect handling and control.

D. Subjects who are struck by a less lethal munitions of any type shall be transported to a medical facility for examination.

5. DECONTAMINATION OF SUBJECTS AFTER DEPLOYMENT OF OC. BASED AGENTS: After the deployment of either Pepper Spray on a subject, the following decontamination protocol must be followed:

1. Provide Fresh Air and Cool Clean Water as needed
2. Keep Subject Calm
3. Assure Subject he / she is Safe
4. Assure Subject the Condition is only temporary
5. Watch for any Unusual Reaction(s)

5. **REPORTING AND INVESTIGATING:** Any discharge / use of non-lethal, a less-lethal munitions or weapons, other than in training, shall be reviewed and reported pursuant to department policies: (Use of Force Form #1-1). Any discharge of a less lethal munitions or weapon as defined above shall be handled in a comprehensive manner to include the appropriate handling of the scene, photographing injuries, collection of evidence, and appropriate evidence submission procedures.
In any case, where the discharge of a less lethal weapon results in a serious bodily injury or a death, the OIC shall comply with the appropriate reporting procedures as outlined in the Waltham Police Department Use Of Force policy (Chapter 1 "Investigation when use of force results in a death or serious injury") and Post Shooting and Traumatic Incident Policy – Ch 1B in its entirety.